The Dutch Police and Religious Signs

An Analysis of the Headscarf Controversy in the Dutch Police Force

Laura Vendrik

ABSTRACT

Over the past years, the admissibility of the Islamic headscarf in governmental organizations has received much attention in the field of religious studies. Many studies have focused on the argumentation used in the present discussions on this topic. However, the question of why the Islamic headscarf causes controversies in the first place is rarely addressed. This article is an attempt at filling up this gap by analyzing the headscarf controversy in the Dutch police force. The author argues that there are two dynamics underlying this controversy: on the one hand the Dutch liberal democratic order is viewed through the Protestant lens, while on the other the Islamic headscarf is an exceptionally visible and meaningful type of religious clothing. By drawing on the previous work by Wasif Shadid and Sjoerd van Koningsveld, the author argues that the Islamic headscarf causes controversy precisely because of the exceptional visibility of this type of clothing, while the headscarf also contains clear information about religion. This dynamic takes place in a society that understands itself through the Protestant lens, which makes the combination of the Islamic headscarf and the Dutch police uniform a difficult issue. Ultimately, this case shows how the upholding of state neutrality is inherently problematic, as the neutral image of the police is created at the cost of headscarf-wearing muslimahs.

INTRODUCTION

In May 2017, the Amsterdam police management was considering allowing their female officers to wear Islamic headscarves as part of their uniform. The wear of such religious clothing was then, and is still, forbidden by the *Code of Conduct of Lifestyle Neutrality[1]* – a government document that prohibits officers the wear of any signs that may indicate a certain lifestyle or worldview. However, the Amsterdam police force wanted to attract more officers from diverse cultural, ethnic, and religious backgrounds, and therefore, the permission of the headscarf was seen as a tool for this

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1 Translated from Dutch, see https://www.rijksoverheid.nl/documenten/richtlijnen/2011/07/13/gedragscode-lifestyle-neutraliteit

(Winterman 2017, 1). Subsequently, this consideration by the Amsterdam police caused a public and political discussion. Opponents mentioned the principle of separation between church and state and the incompatibility of that principle with female officers wearing headscarves. Proponents on the other hand stressed that the wear of religious clothing would not necessarily undermine the neutral identity of the police force. Since 2000[2], this discussion has reappeared multiple times in Dutch society, and it is striking that the debate often solely concerns the Islamic headscarf. It is likely that Muslim officers occasionally show – intentionally or not – their religious affiliation while on the work floor. Small things, like the food that one eats, can for example show if someone adheres to an Islamic lifestyle. Moreover, habits such as taking regular breaks in order to pray can illustrate an Islamic identity. Following the logic of a lifestyle-neutral police force, such practices have the potential to become part of the discussion. Yet, this does not happen in academic literature, as analyses that have the potential to explain this dynamic are currently lacking. Instead, researchers on this topic like Cécile Laborde, Jill Marshall and Sawitri Saharso often focus on the overall admissibility of religious clothing in government organizations and the arguments that accompany it. Therefore, this paper aims to explain why the Islamic headscarf is perceived to be incompatible with the lifestyle-neutral identity of the Dutch police, while less visible acts of Islamic lifestyle are not questioned at all in this context.

Three things need to be clarified with regard to the upcoming analysis. First, police officers are allowed to wear religious clothing as long as their function does not require visual contact with citizens. Officers are for example allowed to wear their own clothing when they are tasked to process reports of crime by telephone. When an officer is tasked to patrol the streets, he or she is required to wear the uniform and abandon any expression of worldview and lifestyle (Gedragscode lifestyle-neutraliteit, 2011). Second, the separation of church and state is not institutionalized in the Netherlands; there is no law that prescribes this separation. Nevertheless, the separation is an important constitutional principle, which the government wants to uphold[3] (Overdijk-Francis, Van den Eijnden and Martens 2009, 9). Third, I regard practices such as praying and the wearing of religious clothing as belonging to the category of religious materiality. This category encompasses all practices, skills, objects and processes that are perceptible and religious (Carp 2011, 475).

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2 Research in *Lexis Nexis Academic* shows that the discussion on Islamic headscarves in the Dutch police force, first appeared in the year 2000 (Neefjes and Schrooten, 2000).

3 The importance of this principle follows from governmental publications and comments by politicians. Dutch politicians comment regularly on the importance of the separation of church and state. The former minister of public health, Edith Schippers, for example, elaborated on this in her H. J. Schoo lecture (2016), where she argued that the separation must be maintained. Moreover, on the website of the political party D66 it is stated that the separation is a key principle in Dutch society (Religie, 2017). These comments by politicians and political parties are reflected in governmental documents, such as the *Tweeluik religie en publiek domein* (2009) which is a publication that offers municipalities guidelines on how to deal with the separation of church and state.

What makes these forms of materiality religious, however, becomes clear by Birgit Meyer's definition of religion. According to her, religion comprises "particular, authorized and transmitted sets of practices and ideas aimed at 'going beyond the ordinary,' 'surpassing' or 'transcending' a limit, or gesturing towards 'the rest-of-what-is'" (Meyer 2012, 23). This means that practices and objects become religious when they gesture to the "beyond" or when they are meant to make "the rest-of-what-is" present in "this world." The opposition between headscarves and prayer, as suggested above, can thus not be resolved by simply stating that the headscarf is different because it is an object. Less outward religious practices also belong to the category of material religion and have therefore the same purpose of making religion tangibly present. This insight makes clear that the discussion exceeds the distinction between object and practice.

There are a few cases that resemble the controversy about headscarves in the police force. The admissibility of the wearing of headscarves by public school teachers or court officials is also a regular topic of discussion in the Netherlands. The present case with Dutch police officers, however, has not yet been explored at length in academic literature. However, the abundant media coverage about the topic provides a look at the way the controversy is presented in Dutch society. Especially in newspapers, there is room for journalists and readers to discuss the controversy in opinion sections. Although those sections are not appropriate sources to derive general conclusions from, they are useful in coming to a greater understanding of how the controversy is perceived in society and how people want to deal with it. In this article, I will first discuss the most dominant opinions and arguments that are present in these Dutch media reports in order to provide an overview of the discussion. This overview is limited to Dutch media reports, in order to emphasize the national character of the discussion. Moreover, similar situations abroad have been covered by Dutch media, which makes in unnecessary to take foreign reports into account. Second, I will provide insight into the societal context of the headscarf controversy, by discussing the Protestant bias that is present in Dutch society. It will be shown that this bias manifests in the way the Protestant heritage is used to explain the current liberal democratic order, which becomes apparent in the celebrations of the 500th anniversary of the Reformation. I will argue that this bias results in a strong aversion towards religious clothing in public places, especially when government representatives are concerned. Third, by analyzing the Islamic headscarf as an exceptionally visible and meaningful form of clothing, I will address the question regarding the visual nature of the headscarf. The headscarf controversy takes place in a society where sight and visuality are extremely important, which contributes to the discussion. Ultimately, my aim is to propose an explanation for the dynamics in the current headscarf controversy. However, this analysis also illustrates the complexity of upholding state neutrality when a society consists of multiple religious and ideological communities. This dynamic is a problem in many Western European countries at the moment and it is therefore required to develop new academic insights in order to deal with this complexity.

THE DUTCH DEBATE ON ISLAMIC HEADSCARVES IN THE POLICE FORCE

When the Amsterdam police management announced that the admissibility of the headscarf was under consideration, the public debate generally split up into two positions. One side supported the admittance of the headscarf, because it could promote a culturally diverse corps that reflects the diversity of society. The opponents, on the other hand, advocated the inadmissibility of the headscarf, because it would undermine the neutrality of the police and, indirectly, the neutrality of the state. The public debate tended mostly in favor of the opponents, as the Dutch newspapers published many commentaries that advocated the inadmissibility of religious clothing. [4] In addition, many prominent political leaders also expressed their disapproval. The Minister of Security and Justice, for example, rejected the idea by pointing to the code of conduct about lifestyle neutrality (Rosman 2017, 9). Other representatives of political parties agreed with this statement (Rosman 2017, 9). The emphasis on state neutrality highlights the assumption that the absence of visible religious signs is equal to a neutral image. The general idea is that every citizen must feel represented by the police force, and that a uniform, free of lifestyle expressions, is the best way to achieve that end (Agente met hoofddoek strijdig met neutraliteit staat, 2017, 6). Furthermore, a neutral uniform must assert the integrity of the police to assure citizens that their cases are taken seriously (Akyol 2017, 2). This not only means that police officers cannot wear religious signs or clothing, but tattoos, piercings or unnatural hair colors are also forbidden (Gedragscode lifestyle-neutraliteit, 2011). In other words, it must *look* like the police is neutral, while it is not investigated whether *actions* are influenced by religious affiliation.

The proponents of headscarves in the police force do not relate to the arguments above. They mainly stress that religious clothing does not have to intervene with the neutral identity of the police. They claim that a religious expression does not result in biased acting actions by officers (Politie overweegt toestaan hoofddoek (18/5) 2017, 10). Moreover, as I noted before, the proponents argue that the admissibility of headscarves has positive side effects, such as a greater cultural diversity in the police force that reflects the diversity of society. Ironically, the proponents use the same logic as the opponents to strengthen their argument: the idea that citizens must see themselves reflected in the police force. However, the proponents chose the perspective that visible religious symbols promote identification between citizens and officers. The reasoning is that citizens with a specific religious lifestyle will feel represented when there are officers with a visible expression of the same lifestyle (Akyol 2017, 2). Thus, it is argued that diverse looks can promote the neutrality of the police force.

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4 Several major Dutch newspapers published reader reactions that illustrate how the debate moved in favor of the opponents of the headscarves in the police force. See for example "Lezersbrieven." AD/Algemeen Dagblad, October 20, 2017, 21. Or: 'Agent met hoofddoek: ja of nee?' Het Parool, May 19, 2017, 10.

As the above overview of the discussion suggests, there is a stalemate: it cannot be determined whether religious looks damage or promote the neutral character of the police force. What can be observed however, is that in this discussion much power is assigned to the appearance of religious signs. Rather than focusing on the actions of officers with a religious affiliation, the commentators in this discussion focus on the influence of the sign that indicates such affiliation. In addition, the discussion illustrates how religious clothing is especially controversial. The debate is after all about the visibility of religious clothing, not about tattoos or piercings, which are also prohibited to be worn in combination with the uniform (Gedragscode lifestyle-neutraliteit, 2011).

THE REJECTION OF RELIGIOUS CLOTHING THROUGH THE PROTESTANT LENS

On a Western European scale, the controversies around visible expressions of religion are often explained through the heritage of Protestant culture. There is a general idea that during the Reformation, the Protestant ideal of inward religion – which refers to religions that are primarily lived in the mind – became superior to outward forms of religion – which refers to religions that are lived through objects and practices (Opas and Haapalainen 2017, 6). This had consequences for the development of the separation of church and state. An example of this line of thinking is offered by Wendy Brown, who argues that the Protestant heritage is responsible for the development of a Western European secular model, in which there is little space for visual religious practice in the public sphere (Brown 2012). The Protestant cultural heritage is thus used as an explanatory model for aspects of the present liberal democratic order. This does not only happen in academic discussions. In Dutch society, the conception of Protestantism as responsible for principles as toleration and democracy also appears in public discussions. A recent example of this is offered by the Dutch celebration of 500th anniversary of the Reformation. In honor of this, a television special called *In Holland staat een kerk* (There stands a church in Holland) was broadcast by the Evangelical broadcast network to commemorate how the rise of Protestantism caused a development of "Dutch liberal values" such as equality and toleration (In Holland staat een kerk, 2017). The use of Protestant culture as an explanatory model is often, however, a one-sided reading of history. This perception of Protestant culture as purely inward and pluralistic is described by Birgit Meyer as the "Protestant lens" (Meyer, 2010, 742–743). This conception can be understood within the larger paradigm of the Protestant bias. This paradigm was developed by Talal Asad and Webb Keane, by which they wanted to designate the universalization of the Protestant religion with regard to non-Protestant religions (Asad 1993; Keane 2002).

Although the Protestant bias is recognized by many scholars, the Protestant lens remains a prominent perspective in academic and public debates. An acclaimed scholar like Wendy Brown for example displays this bias by arguing that the contemporary separation between church and state is a result of the Protestant tradition, in which public displays of religion were uncommon

(Brown. 2012). Therefore, I feel the need to explain further why this is a flawed view on Protestant culture. In essence, the Protestant lens is a view that neglects the many (outward) material religious forms that do appear in Protestantism (Meyer 2010, 742-743). The "classic" inward Protestant practices such as Bible reading and praying belong to the sphere of material religion, as these practices make the transcendent present in this world (Meyer 2012, 23). In addition, outward religious forms were originally not discarded with the rise of Protestantism. Martin Luther's theology shows that images were not banned from Christianity, as long as images themselves did not become the object of worship (Opas and Haapalainen 2017, 10). Furthermore, Luther's theology assigns much importance to corporeal suffering and the cross. Luther believed that through the suffering of the body knowledge about God could be obtained (Opas and Haapalainen 2017, 9-10). In other words, Protestantism was originally not a complete rejection of outward materiality. In contrast to the popular opinion, it was the great iconoclastic events in sixteenth century Europe that left a mark on Protestantism as anti-outward religion (Opas and Haapalainen 2017, 10). Moreover, many current Protestant branches have practices that put an emphasis on outward religious forms. In Evangelical churches, for example, practices such as collective singing and theatrical baptismal ceremonies are central in for the worship of God. To summarize, these examples show the misconception that Protestant traditions are solely rational and inward types of religion.

However, as the example of the 500th anniversary of the Reformation showed, the power of the Protestant lens in the public sphere should be taken seriously. The attractiveness of this perspective can be understood through the culturalization of citizenship. Jan-Willem Duyvendak describes this as a process "in which emotions, feelings, norms and values, symbols and traditions (including religion) come to play a pivotal role in defining what can be expected of a Dutch citizen" (Duyvendak 2011, 92). The Protestant lens can be considered to be a part of this process. There is an understanding of the Dutch cultural identity as rational, modest and economic, as a consequence of centuries of Protestant culture. Moreover, negative events like mass migration and the war on terror contributed to a perception of Islam as the culture of the "other" (Brubaker 2011). Symbols of Protestant-Christian culture are therefore perceived as part of the national identity. There are, for example, regular calls by civil society organizations and political parties to preserve church towers, because they are part of the Dutch cultural heritage.[5] The culturalization of citizenship leads to protectiveness toward the heritage that is perceived to be part of the cultural identity (Duyvendak, 2011, 92). There is a tendency to create a "canon" of the Dutch culture, in order to establish a cohesive understanding of the identity and to understand what does not belong to this identity (92–93). With regard to religion, this can be illustrated bluntly: Christian-Protestant culture is viewed

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5 See for example *Kerktorens behouden als baken in landschap*, 2011.

as a natural part of the Dutch national culture, while Islamic culture is construed as irreconcilable with Dutch culture.

The Protestant lens as part of the culturalization of citizenship has consequences for the overall structure of society. The view on Dutch citizenship shapes the way the public order is constructed. In this, I follow the theory by Saba Mahmood and Peter Danchin – the majority population of a society constructs the public order of society, thereby creating a norm against which minority religious practices are judged and sanctioned (Mahmood and Danchin 2014, 130). They argue that in countries such as the Netherlands, the freedom of religious thought is unlimited, but the freedom of religious practice is limited when found necessary (129). The necessity to restrict certain religious practices arises when practices are perceived to undermine or threaten the public order (130). As noted before, the Protestant lens is part of the self-understanding of many Dutch citizens. This understanding results in a characterization of the public order as grounded in Protestant culture. Aversion towards public practices and expressions of religion are therefore understood as a part of the "Protestant" order of society. The headscarf controversy in the Dutch police can be considered in this context. There is an aversion toward women wearing headscarves, as the wear of such religious clothing is regarded to be contrary to the Protestant cultural heritage. That the case concerns police officers, who are responsible to protect the public order, makes the situation even more controversial. To allow headscarves to be part of the uniform would undermine the current public order, in which the absence of religious signs is perceived to be an image of neutrality.

THE ISLAMIC HEADSCARF AS EXCEPTIONALLY VISIBLE

In the Netherlands, there seems to be a great discrepancy in the way the Islamic headscarf is perceived. For Muslim women, the wearing of a headscarf is generally an act and expression of modesty, but to many non-Muslims it is mainly an expression of a non-Dutch identity. According to Islamic legal discourse, it is evident that Muslim women wear the headscarf first and foremost to show that they uphold the religious rules of decency, and it marks the separation between the sexes (Shadid and Van Koningsveld 2005, 36-37; Krawietz 2012). Wasif Shadid and Sjoerd van Koningsveld analyzed several Islamic legal norms about the headscarf and they concluded that the headscarf is essentially not worn to show religious affiliation, it is worn to show modesty and a good moral character (Shadid and Van Koningsveld 2005, 37). According to them, even if women consider their headscarf as a symbol of religious affiliation, this comes second to the primary function of the headscarf (36). In other words, there are different *intentions* why Muslim women wear a headscarf, yet these intentions are not mutually exclusive. Furthermore, by analyzing media reports and court judgments in Belgium and France, Shadid and Van Koningsveld concluded that non-Muslim observers are barely informed about this dynamic. That lack of understanding results in tendentious interpretations that have become prominent in public debates. These interpretations

mostly show disapproval, as the headscarf gets connected to negative characteristics (38). This leads to the construction of negative stereotypes and collective stigmatization (43). Shadid and Van Koningsveld state that there are at least five negative stereotypes surrounding the Islamic headscarf: the headscarf as an expression of Islamic fundamentalism, the headscarf as an act of religious propaganda, the headscarf as the oppression of women, the headscarf as an unwillingness to integrate, and the headscarf as a lack of loyalty to the constitutional order (43). All these stereotypes indicate that to non-Muslims, the headscarf is a symbol of a deviant, hostile identity.

The above-mentioned stereotypes play a role in the context of Dutch society, especially in relation to the headscarf controversy in the Dutch police force. The function of the headscarf as a symbol of religious affiliation should not be underestimated. In an interview by *de Volkskrant,* a Dutch-Muslim police officer explains that she wants to wear a headscarf as part of the uniform, because to her the headscarf is an expression of Islamic identity. She explained that she wears the headscarf to make her love for God concrete, "like nuns do with the wearing of head covering" (Ezzeroili 2017, 14-15). This source is not representative for all Muslim police officers, but it is a striking example of how such women want to wear a headscarf to *both* uphold the Islamic rules of modesty and to express their Islamic identity. In addition, *de Volkskrant* published the reader's reactions to this interview. These reactions illustrate the stereotypical perception of the Islamic headscarf as a lack of loyalty to the Dutch constitutional order. One reader stated that "you can only wear one uniform at a time", meaning that the woman has to choose between loyalty to the "secular" police and her own religious worldview (Lezersbrieven: je kunt maar één uniform dragen, 2017, 21). Another reader explained that the police uniform and the headscarf cannot be combined, because a uniform is meant to express uniformity, implying that the addition of a headscarf would express difference (Lezersbrieven: je kunt maar één uniform dragen, 2017, 21). These reactions by readers cannot prove a general Dutch tendency to attach negative stereotypes to the headscarf. However, these reactions are a striking illustration of the stereotypes that Shadid and Van Koningsveld discerned and they do say something about a sentiment that is widely shared in Dutch society.

The question remains: why are these negative perceptions and stereotypes so strongly connected to the headscarf? Why do practices, such as prayer, or even signals such as tattoos or piercings, not raise the same questions about neutrality and loyalty to the constitutional order? These things also convey messages about identity, but as the headscarf discussion in the Netherlands shows, they are not as controversial. I argue that the headscarf has two intertwined characteristics that make it an easy target for outside observers to frame it as an expression of deviant, hostile identity. First, the headscarf is an exceptionally visible religious object, and, second, this object conveys strong messages about the Islamic worldview. When a person meets a woman who wears an Islamic headscarf, the headscarf will not be left out in the overall perception of that woman. The object is

worn at the place where the eyes meet to recognize someone or to talk with someone: the face. Faces are central in the interactions between people (Knapp, Hall and Horgan 2012, 293), thus, the object worn around that face automatically attracts attention. When one imagines a type of religious clothing that is less present in the interaction between people, for example, a certain kind of shoes, it can be considered that such an object would attract less attention as it does not interfere in the central place of human interaction. Furthermore, all clothing conveys messages about identity and the headscarf is not different in that sense (Kuper 1973, 348). However, the headscarf also indicates information about the religious worldview of a woman. An average sweater, on the other hand, does not possess such a symbolic power as the headscarf.

An elaboration on the messages represented by headscarves is needed, because the intended message of the headscarf can deviate from the interpretation of the receiver. As pointed out above, the headscarf is primarily an expression of adherence to Islamic rules of modesty, but outside observers often perceive the object in a very different way. Although there is a discrepancy between the intended message and the perceived message, it is clear that the headscarf expresses information about identity. Muslim women may officially wear a headscarf to uphold the rules of modesty, but the object itself does implicates an overall Islamic belief and involvement other Islamic practices. When a person encounters a woman with a headscarf, this person can deduce that the woman probably prays to Allah, visits mosques and participates in the Ramadan. In other words, the headscarf discloses information about a woman's Islamic identity, a power that is not present in non-religious clothing or signs.

These two properties – of exceptional visibility and meaningfulness – are crucial as Dutch society assigns much power to visual expression. Scholars of sensation generally agree that in Western culture, the visual takes prevalence over other forms of perception (Carp 2008). There is an ocularcentrism, that takes seeing as the most important sense (Van Ede 2009, 62-63). Alison Dundes Renteln used this insight to explain why symbols and signs have so much power in (Western) societies. She states that people naturally feel that their identity is connected to visual symbols (Renteln 2004, 1575). Such symbols affirm the individual and collective identity, which I illustrated before by explaining how Dutch people feel connected to the nation's Protestant past. Furthermore, there is a tendency to reify visual symbols; to take visual symbols as representatives of reality (1575). Renteln argues that visual evidence of a phenomenon is often perceived to be "better" evidence than for example spoken testimonies. Renteln mentions legal processes as an example of this tendency, in which visual evidence has more power than spoken testimonies. In other words: seeing is believing (1575). With these insights in mind, it makes sense that the visuality of the headscarf plays a central role in the controversy.

CONCLUSION

In this article I have proposed a twofold explanation for the headscarf controversy in the Dutch police force. On one hand, many Dutch people understand their society as a product of a certain Protestant past. The Protestant lens, through which many people understand the current order of society, contributes to a public order in which it is often unacceptable that government representatives wear religious clothing. On the other hand, the headscarf is an exceptionally visible and meaningful form of religious clothing. The object is very noticeable and it conveys messages about the religious life of the person who wears it. These dynamics combined make the wearing of the headscarf as part of the police uniform a problematic affair. Moreover, the fact that this case concerns police officers adds to the controversy, as the police is meant to reflect neutrality and to uphold the public order. Furthermore, the Islamic nature of the headscarf is salient, as the Islamic community is already often blamed for societal problems in the Netherlands. This analysis of the controversy explains why less outward expressions of religion are not problematized within this context. Inward religion is generally more in line with the current "Protestant" public order. Furthermore, inward religious forms are for outside observers harder to perceive and thus communicate less information about religious affiliation. Overall, inward religious expressions do not challenge the distinction between the public and private sphere and are thus not perceived as a "threat" to the system.

The importance of the public order in this case implies a tension in the principle of state neutrality. The headscarf is rejected in the police force, because it undermines the general understanding of a neutral image. The idea is that an absence of lifestyle expressions equals a neutral appearance of the police. However, this logic seems to privilege officers who do not adhere to a lifestyle that requires the wear of religious expressions. Female officers who abandon their headscarf in order to wear the uniform pay a high price, because they have to forsake the Islamic rules of modesty. A comparable sacrifice by Christian or atheist women who want to join the police is on the other hand hard to picture. Muslim women thus face a degree of inequality when adhering to the principle of state neutrality. This way of dealing with neutrality raises several questions that need to be addressed in order to come to a greater understanding of the social contradictions in the current Dutch society. Does the rejection of visible lifestyle signs in the name of state neutrality imply a moral judgment by the government? Does the importance of state neutrality lead to the exclusion of Muslim women? Future research must focus on such questions to create a better understanding of the power of visual religious signs in society. Moreover, a comparison with the headscarf controversies in French government organizations can be helpful. Though research on the French situation does not necessarily focus on the pivotal visual character of the Islamic headscarf, the banishment of headscarves in French schools, for example, has been studied in great detail. How

the French government is dealing with state neutrality can therefore help to come to a greater understanding of how state neutrality can conflict with the individual religious freedom of Muslim women.

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